

ORDINANCE NO. 158-18

BY: **KRISTIN L. SABAN, JEFFREY CROSSMAN**  
(By Request – City Engineer)

AN ORDINANCE AUTHORIZING THE MAYOR AND/OR THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PROJECT AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) TO PROCEED WITH THE PROPOSED BROADVIEW ROAD RESURFACING PROJECT FROM WEST RIDGEWOOD DRIVE TO BROOKPARK ROAD IN THE CITY OF PARMA, AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARMA, STATE OF OHIO:

Section 1. That the Mayor and/or the Director of Public Service are hereby authorized to enter into a Project Agreement with the Ohio Department of Transportation for the proposed Broadview Road (SR-176) Resurfacing Project from West Ridgewood Drive to Brookpark Road (SR-17).

Section 2. Consent Statement.

Being in the public interest, the Local Public Agency (City of Parma) gives the consent to the Director of Transportation to complete the above described project.

Section 3. Cooperation Statement.

The City shall cooperate with the Director of Transportation in the development and construction of the above described project and shall enter into a LPA Federal ODOT-Let Project Agreement, if applicable, as well as any other agreements necessary to develop and construct the Project.

The City agrees to assume and contribute the entire cost and expense of the improvement less the amount of Federal-aid funds set aside by the Director of Transportation for the financing of this Improvement from funds allocated by the Federal Highway Administration, United States Department of Transportation.

The City agrees to assume and contribute One Hundred Percent (100%) of the cost of any work included in the construction contract, at the request of the City, which is determined by the Director not to be part of or made necessary by the improvements.

The City further agrees that change orders and extra work contracts required to fulfill the construction contracts shall be processed as needed. The State shall not approve a change order or extra work contract until it first give notice, in writing, to the City. The City shall contribute its share of the cost of these items in accordance with the other sections herein.

Section 4. Utilities and Right-of-Way Statement.

The City agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The City also understands that right-of-way costs include eligible utility costs.

The City agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual

Section 5. Maintenance.

Upon completion of the Project, and unless otherwise agreed, the City shall: (1) provide adequate maintenance for the described project in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of he described project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

Section 6. Authority to Sign.

That the Mayor and/or the Director of Public Service are hereby authorized to execute said Agreement and to take such action and to execute such other documents and amendments thereto as may be necessary as are approved by the Law Director.

Section 7. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council; and that all deliberations of the Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 8. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City of Parma, and for the further reason that this measure is necessary in order to expedite these services with the Ohio Department of Transportation and to promote highway safety, and this Ordinance shall become immediately effective upon receiving the affirmative vote of two-thirds of all members elected to Council and approval of the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_ PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
CLERK OF COUNCIL

FILED WITH  
THE MAYOR: \_\_\_\_\_ MAYOR, CITY OF PARMA, OHIO